

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN A. ARETAKIS,

Plaintiff,

-against-

ROBERT DURIVAGE, TIMOTHY NUGENT, TOWN
OF NORTH GREENBUSH AND ROBERT D. WELLS,

Defendants.

NOTICE OF CROSS MOTION

**Civil Action No. 07-Civ-5444
(Hon. Shira A. Scheindlin)**

PLEASE TAKE NOTICE, that John A. Aretakis, Attorney and Pro Se Plaintiff hereby

Cross Moves this Court and sets out as follows:

Cross Motion by: Plaintiff, JOHN A. ARETAKIS.

Date, Time and Place of Hearing: December 14, 2007, 9:30 a.m., United States District Court-Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, or at any such time the Court deems appropriate.

Supporting Papers: Affidavit of John A. Aretakis, dated November **14**, 2007 and Memorandum of Law dated November 14, 2007 and Exhibit "A".

Relief Requested: Removal, recusal or disqualification of Michael L. Costello, Defendant Robert Wells' counsel, or for the Court to Schedule a Hearing with respect to disqualification, and leave of the Court to accept for filing the Amended Complaint or nunc pro tunc filing of the Plaintiff's Amended Complaint, and Affidavit in Opposition to Defendants' Motions to dismiss and to change venue.

Opposition papers due on a date ordered by the Court or the Federal Rules of Civil

Procedure and pursuant to Rule 6.1(b).

DATED: NEW YORK, NEW YORK
NOVEMBER 14, 2007

/s/

JOHN A. ARETAKIS
Attorney and Pro Se
Bar Roll No. JA7925
353 East 54th Street
New York, New York 10022-4965
(917) 304-4885
facsimile (518) 286-3065
email: aretakis@nycap.rr.com

TO: MICHAEL. COSTELLO, ESQ.
Tobin & Dempf
33 Elk Street
Albany, New York 12207

THOMAS J. O'CONNOR, ESQ.
Napierski Vandenburg & Napierski, LLP
96 Washington Avenue Ext.
Albany, New York 12203

THOMAS K. MURPHY, ESQ.
Murphy Burns Barber & Murphy, LLP
4 Atrium Drive
Albany, New York 12205